

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

JANUARY 2, 2007

Roll Call

President William D. Beagle called to order the regular meeting of the Tipp City Council at 7:03 p.m. Roll call showed the following Council Members present: Rick Mains, Jr., Vickie K. Blakey, Donald H. Ochs, William D. Beagle, Mayor George H. Lovett, Tim Evans, and Patrick Hale.

Executive Session

President Beagle moved to adjourn to Executive Session to discuss personnel matters, seconded by Mayor Lovett. The motion carried with a vote of 7-0. The meeting reconvened at 7:30 p.m.

Regular Meeting

In attendance: City Manager David A. Collinsworth, Law Director Joseph P. Moore, Finance Director Richard Drennen, *Dayton Daily News* reporter Nancy Bowman, *Tipp Herald* reporter Mike Kelly, and Clerk of Council Misty Cheshire.

Citizens signing the register included: Joe Bagi and Michael McFarland.

**Invocation and
Pledge of Allegiance**

Pastor Jeff Seekins of the Community Bible Church delivered the invocation. President Beagle led the Pledge of Allegiance.

Adoption of Minutes

Mrs. Blakey noted the following correction to the minutes of the December 18, 2006 City Council Meeting minutes: page 91, paragraph 8, line 5, to read "When the plan was presented to *a prior* Council concerns were raised" The minutes were approved as amended on a motion made by Mayor Lovett, seconded by Mr. Ochs. The motion carried with a vote of 6-0, President Beagle abstained due to absence.

**Ordinances
(First Reading)**

The following ordinances were presented to City Council for first reading. The second reading and public hearing will occur on Tuesday, January 16, 2007.

**Captor Corporation
Rezoning**

Mrs. Blakey sponsored an ordinance to amend the zoning code and the map attached thereto by changing the zoning of \pm 3.794 acres (Inlots 4046, 4047, & 4048) located at 5040 South County Road 25A from Interim Light Industrial (I-1) to Light Industrial (I-1) zoning classification.

Clerk of Council Summary: The Planning Board reviewed and recommended a permanent zoning designation of Light Industrial (I-1) for the Captor Corporation properties recently annexed into Tipp City.

City Manager Report: Mr. Collinsworth stated that this property was annexed into Tipp City in 2006 and is located at 5040 South County Road 25A, just south of Kerr Road on the west side of County Road 25A. Upon annexation, this property was given an interim zoning of I-1, Light Industrial. He noted that City Council scheduled a public hearing for this rezoning request on January 16th.

DCWI Rezoning
± 9.996 acres

Mr. Mains sponsored an ordinance to amend the zoning code and the map attached thereto by changing the zoning of ± 9.9996 acres being Inlot 2148 from Multi-Family Residential (R-3) to Highway Service (HS) zoning district.

Clerk of Council Summary: The Planning Board reviewed and recommended a zoning designation change to Highway Service (HS) for the Don Wright property adjacent to I-75.

City Manager Report: This rezoning request was submitted by Don Wright Realty d/b/a DCWI – Tipp City, LLC. The parcel in question, Inlot 2148, is located adjacent to I-75, east of Chestnut Drive, and north of the future extension of Weller Drive. Mr. Collinsworth noted that a public hearing for this rezoning had been scheduled for January 16, 2007.

DCWI Rezoning
± 18.324 acres

Mr. Hale sponsored an ordinance to amend the zoning code and the map attached thereto by changing the zoning of ± 18.345 acres located on part of Inlot 2135 from Office Service (OS) to a Highway Service (HS) zoning district.

Clerk of Council Summary: The Planning Board reviewed and recommended a zoning designation change to Highway Service (HS) for the Don Wright property south of Larch Street.

City Manager Report: This rezoning request was also submitted by Don Wright Realty. This parcel is located south of the southern terminus of Larch Street and west of Weller Drive and east of the terminus of Harmony Drive. A public hearing has been scheduled for January 16th for this rezoning request.

Mr. Hale stated that the ordinance referenced 18.345 acres and the map referenced 18.324 acres. Mr. Vath noted that 18.345 acres was correct.

Motions
Board, Commission,
and Committee
Appointments

Mr. Mains nominated Ronald Poff to serve on the Board of Zoning Appeals for a three year term expiring on December 31, 2009. There being no other nominations, President Beagle declared the nominations closed. A roll call vote was taken and Mr. Poff was unanimously reappointed to the Board for his third term.

President Beagle opened the nominations for the four vacancies on the Restoration and Architectural Board of Review. Mayor Lovett nominated Sadie O. Gaster, Mr. Evans nominated Joe Bagi, Mr. Hale nominated R. Adam Blake, and Mr. Ochs nominated Rodney Kidwell. There being no other nominations, President Beagle instructed the Clerk to take the vote of each nomination. Sadie O. Gaster was unanimously reappointed for her second term and Rodney Kidwell was unanimously reappointed to his third term on the Board, both of which will expire on December 31, 2009. R. Adam Blake and Joe Bagi were appointed by a vote of 7-0 for three year terms expiring on December 31, 2009.

The Board of Tax appeals had three vacancies for one year terms expiring December 31, 2007. Mr. Evans nominated Kent Moyer, Mayor Lovett nominated Robert Blakey, and Mr. Hale nominated Patti Berbach. There being no other nominations, Mr. Ochs moved to close

the nominations, seconded by Mayor Lovett. The motion carried. A roll call vote was taken for each candidate. Mr. Moyer, Mr. Blakey, and Mrs. Berbach were reappointed to the Board.

Mr. Ochs nominated William Duff to serve on the Tree Board for a three year term expiring December 31, 2009. There being no other nominations, President Beagle declared the nominations closed. A roll call vote was taken and Mr. Duff was unanimously reappointed to the Board.

The Tipp Monroe Cable Access Commission had one partial term vacancy set to expire April 30, 2008. Mayor Lovett nominated Joseph E. Gibson. President Beagle closed the nominations and a roll call vote was taken. Mr. Gibson was unanimously appointed to the Commission.

Councilmen Rick Mains, Jr., Tim Evans, and Donald Ochs were appointed to the Economic Development Committee for a one year term expiring December 31, 2007. David Collinsworth, Richard Drennen, and Bradley Vath were also appointed to the Committee for a one year term.

Mr. Evans nominated Mr. Ochs to serve as the Representative for the Miami Valley Regional Planning Commission. Mayor Lovett nominated Mr. Hale to serve as the Alternate. There being no other nominations, President Beagle declared the nominations closed and a roll call vote was taken. Mr. Ochs and Mr. Hale were respectively appointed to each position for a one year term expiring December 31, 2007.

City Council appointed Scott Vagedes as Tipp City's Miami Valley Regional Technical Advisory Committee Representative with Bradley Vath as the Alternate for a term expiring December 31, 2007.

Mrs. Blakey and Mayor Lovett were appointed to the Tipp City Volunteer Fireman's Dependent Board for a one year term expiring December 31, 2007. Mrs. Blakey asked Mr. Collinsworth to explain the function of the Board.

Mr. Collinsworth stated that this body had not met during his tenure with the City. He stated that it was established by the Ohio Revised Code for subdivisions with volunteer fire departments. If a firefighter was injured while on the job and unable to provide for himself economically, or if a death occurred, this Board could dispense special benefits to beneficiaries and family members.

President Beagle nominated Mr. Hale to serve as representative to the Tipp Monroe Community Services, Inc. Advisory Board for a one year term expiring December 31, 2007. Mr. Evans nominated Mrs. Blakey as the alternate. There being no other nominations. Mr. Ochs moved to close nominations, seconded by Mayor Lovett. The motion carried. A roll call vote was taken, Mr. Hale was appointed Representative to the Board and Mrs. Blakey was appointed to be an Alternate.

City Council unanimously appointed David Collinsworth and Bradley Vath as city representatives for the Tax Incentive Review Council for one year terms expiring December 31, 2007.

All City Council Members, David Collinsworth, Joseph Moore, Richard Drennen, and M. J. Eichman were unanimously appointed to the Tipp Improvement Corporation Board for a one year term expiring December 31, 2007.

Mayor Lovett nominated President Beagle to serve on the Tipp Monroe Education Fund – DARE Advisory Board for a one year term expiring December 31, 2007. There being no other nominations, the nominations were closed with a motion made by Mr. Ochs, seconded by Mr. Mains. The motion carried and President Beagle was appointed to the Board following a roll call vote.

Mr. Evans nominated Mayor Lovett to serve as representative to the OMEA Board for a one year term expiring on December 31, 2007. Mr. Ochs nominated M. J. Eichman to serve as the alternate to the OMEA Board for a one year term expiring on December 31, 2007. There being no other nominations, the nominations were closed with a motion made by Mr. Mains, seconded by Mr. Ochs. The motion carried. Mayor Lovett and Mr. Eichman were appointed to the Board.

**2007 Main Street
Banner Schedule**

Mrs. Blakey moved to approve the proposed 2007 Main Street Banner requests, seconded by Mr. Ochs. The motion carried with a vote of 7-0.

Dog Park Donation

Mrs. Blakey moved to accept a \$1,500 dog park donation from the Thomas and Helen Kyle Fund, seconded by Mr. Evans. The motion carried with a vote of 7-0.

Citizen Comments

There were no citizen comments on items not on the agenda.

**Council Member
Comments**

Mr. Mains cheered on the Ohio State Buckeyes who will face the Florida Gators on January 8th in the National Championship game in Arizona.

Mrs. Blakey stated that she had read an article in the *Dayton Daily News* which stated that Dayton City Commission passed an ordinance requiring all residential property transfers or sales within the city of Dayton are required to include a "disclosure of open violation" notice to ensure that code violations are resolved or acknowledged before a property changes hands. The new Residential Property Disclosure Law takes effect on January 1st and will require both the buyer and seller of any residential property to file a Certificate of Disclosure with the Housing Inspection Division.

Mayor Lovett asked what the ramifications were for a seller who failed to file the certificate of disclosure.

Mr. Evans stated that a seller has to file the disclosure with the City of Dayton three days before transfer of ownership can take place. A violation is classified as a fourth degree misdemeanor.

Mr. Collinsworth stated that the City would review Dayton's new policy. He noted that many communities in the area require presale inspections conducted by the City to identify zoning violations.

Mr. Ochs supplied City Council with status of MVRPC board members. He noted that Marilyn Reed was serving a two year term as chair but was not re-elected as a Greene County Commissioner and First Vice-Chair, Chuck Curran was not re-elected as a Montgomery County Commissioner. He noted that second chair Bob Shook of Concord Township assumed the position of Chair until officers are re-elected by the board. Mr. Ochs noted that there was no bylaw provision for succession. Legal Council Michael Bly stated that the officers must be elected by the board and cannot automatically assume other officers vacated positions. He noted that a nominations committee would be appointed by the board on Thursday. Mr. Ochs stated that the committee would review applications in February and on March 1st there will be a board action to appoint a new chair and a new first Vice Chair.

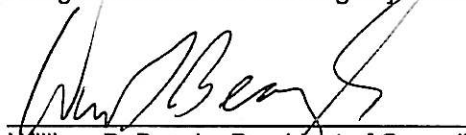
Mr. Evans and President Beagle thanked everyone that applied to serve on a board/commission. He also thanked the current board/committee members for their willingness to serve the community.

**City Manger
Comments**

Mr. Collinsworth announced that the next City Council meeting would be held on Tuesday, January 16th in observation of Martin Luther King, Jr. Day. He noted that Waste Management's Christmas tree pick up would occur on January 8th and 15th. All refuse customers were directed to place their trees at the curb by 6:30 a.m., there would be no tree pickup in the alleys.

Adjourn

There being no further business, it was moved by Mr. Ochs, seconded by Mr. Mains, that the meeting be adjourned. The motion unanimously carried. President Beagle declared the meeting adjourned at 8:09 p.m.


William D. Beagle, President of Council

Attest: 
Misty Cheshire, Clerk of Council

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

JANUARY 2, 2007

Study Session

City Manager David A. Collinsworth opened the Study Session at 8:14 p.m. on this date.

Roll Call

Council Members in attendance included: President William D. Beagle, Vickie K. Blakey, Rick Mains, Jr., Tim Evans, Mayor George H. Lovett, Donald H. Ochs, and Patrick Hale.

Others in attendance included: Assistant City Manager Bradley C. Vath, Michael McFarland, Joe Bagi, *Dayton Daily News* reporter Nancy Bowman, *Tipp Herald* reporter Mike Kelly, and Clerk of Council Misty Cheshire.

Discussion –
ODNR Project Grants

Mr. Vath used the attached PowerPoint presentation to review grant opportunities with the Ohio Department of Natural Resources. Mr. Vath noted that under the natureWORKS or Land and Water Conservation Fund the City could apply for grants to fund the construction of the Dog Park, repair tennis courts or install safety surfaces, or construct new park shelters. He noted the City could also apply for funds under the Recreational Trails Grant Program to install a section of bike path in Kyle Park.

Following Mr. Vath's presentation, City Council directed staff to apply for the natureWORKS grant seeking funds for the Dog Park in addition to the Recreation Trails Grant request.

Code Amendments

Mr. Vath proposed a code amendment that would redefine the required "major" thoroughfare access requirements for building material sales yards. The proposed amendment would affect §154.112 (B)(10) as follows:

(a) Immediate access to a major thoroughfare shall be required, but if there are two or more 60' right-of-way streets adjacent to the parcel and the site is less than 2,000 feet from two different major thoroughfares, then the Planning Board may waive the requirement for direct major thoroughfare access.

The second code amendment pertained to the duties of the Planning Board during the site plan process, requirements, and remedies. Staff proposed adding the following language to §154.169:

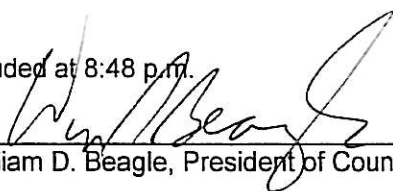
(G) Review all site plans as required in this chapter.

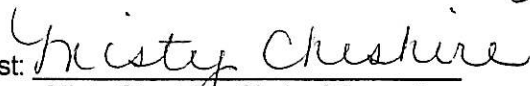
(H) The City Planning Board may in the process of approval, and at their discretion, assign conditions, terms, stipulations, language, provisions or any other specifications to any matter before them for review

(1) Failure to comply with any or all such conditions, terms, stipulations, language, provisions or other specifications shall be punishable under Code §154.185.

Adjournment

The study session concluded at 8:48 p.m.


William D. Beagle, President of Council

Attest: 
Misty Cheshire, Clerk of Council

2007 Tipp City ODNR Grant Projects

1.2.2007 Study Session

Bradley Vath, Assistant City Manager

ODNR Grant Sources

- ✦ Clean Ohio Funds a.k.a. Issue 1
 - Trail Development (ODNR administers) on hold for 2007 subject to reauthorization of funding from State.
- ✦ Recreational Trails Grant Program
- ✦ natureWORKS
- ✦ Land & Water Conservation Fund (LWCF)

Recreational Trails Grant History

- ✦ Reimbursement grant program.
- ✦ 2001 grant for Nature Center Rec. Trail - +/- 2,800', \$36,000 (80%) of \$45,000 project
- ✦ 2002 grant for +/- 2,250' Multi Use Recreational Trail from City Park south along old Miami & Erie Canal to Canal Lock Park on City & MCD properties, \$90,000 of \$199,445 construction project
- ✦ 2004 applied for grant for trail segment from Canal Lock to Kyle Park, but withdrew after ODOT awarded CMAQ grant for same.
 - CMAQ project under design and potential construction in 2008.

Recreational Trail Grant

- ✦ Monroe Township Trustees, City, MC Parks, & 5 Rivers Metro Parks received funding to complete MC Bikeway.
 - ODOT PID #77342 of \$1,874,755
 - State Earmark Funding of \$342,500
- ✦ Project designed by LJB, Inc.
 - 21,400 LF of total length
 - \$2,399,407 original estimate
- ✦ Costs dramatically increased
 - 24,000 LF of total length
 - Current estimate of \$3,563,720

Trails (Continued)

Tipp City's Costs

- ✦ Original Project Estimate
 - 1,200 LF (S) and 600 LF (N) of bikeway
 - \$15,048, budgeted in 2008 (\$25,000)
- ✦ Revised Project Estimate
 - 2,800 LF (S) and 600 LF (N) of bikeway for \$270,000 (separated bikeway from vehicular traffic)
 - 1,200 LF (S) and 600 LF (N) of bikeway \$104,732
- ✦ Apply for Recreational Trail Grant to "fill the funding gap."

natureWORKS

- ✦ 75% reimbursement grant
- ✦ Award announcements by 6/2007, construction completed by 12/2008
- ✦ \$90,000 in TOTAL grant monies for all of Miami County in 2007
- ✦ Pending 2006 project for Restroom/Shelter in Kyle Park